

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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SHARI KAVALIN an individual; on behalf of herself  
and all others similarly situated,

Plaintiffs,

**Hon. Hugh B. Scott**

11CV6S

v.

**Order**

CR-ONE SOLUTIONS, et al.,

Defendants.

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Before the Court is the motion of defense counsel for the Crone defendants<sup>1</sup> to withdraw as their counsel (Docket No. 28). Responses to this motion were due by August 26, 2011 (Docket No. 30), but no responses were filed. This motion first was argued on September 8, 2011, but a stay was granted to allow defendants to retain new counsel (Docket No. 36). Subsequent conferences were held where action on this motion was stayed pending defendants filing for bankruptcy (Docket Nos. 37, 38) or settling this action (Docket No. 39). On February 27, 2012, this Court granted defense counsel's motion (see Docket No. 43). Defense counsel's motion is **granted** and counsel is withdrawn from this case.

During that conference, the Crones indicated that CR-One Solutions is a partnership. It is presumed that the individual Crone defendants either will appear pro se or retain new counsel. The organizational defendants, however, **cannot proceed pro se**, Eagle Assocs. v. Bank of Montreal, 926 F.2d 1305, 1309-10 (2d Cir. 1991) (partnership cannot appear pro se in federal

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<sup>1</sup>The Crone defendants are Aaron Crone, Jeffrey Crone, the Jeffrey Crone Trust, and CR-One Solutions.

court in the Second Circuit); Pridgen v. Andresen, 113 F.3d 391, 393 (2d Cir. 1997) (administratrix of estate cannot appear pro se on behalf of estate); Iannocone v. Law, 142 F.3d 553, 558-60 (2d Cir. 1998) (administrator may not appear pro se on behalf of estate but may appear on own behalf as beneficiary, in administrative action against Social Security administration); see also 28 U.S.C. § 1654.

A Scheduling Conference shall take place before the Hon. Hugh B. Scott on **Tuesday, March 13, 2012, at 11 am**, at U.S. Courthouse, 6th Floor, 2 Niagara Square, Buffalo, New York. Defendants (particularly the organizational defendants) are expected to have counsel present for this conference.

Defense counsel for the Crone defendants are to forward this Order to the Crone defendants.

So Ordered.

  
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Honorable Hugh B. Scott  
United States Magistrate Judge

Dated: Buffalo, New York  
June 17, 2011